



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,643	11/08/2001	David M. Beausoleil		1861

7590 04/19/2005

Richard A. Catalina, Jr., Esq.
CATALINA & ASSOCIATES
167 Avenue at the Common
Suite 9, Second Floor
Shrewsbury, NJ 07702

EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
----------	--------------

3611

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/006,643	Applicant(s) BEAUSOLEIL, DAVID M.	
	Examiner Brian K. Green	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

Proposed new figure 7 filed on Jan. 18, 2005 has been disapproved since they fail to comply with 37 CFR 1.121. All new drawing sheets must be identified in the top margin as "New Sheet" and not "Amended new sheet" as indicated by the applicant. Proposed new figure 7 would be approved if the applicant files the same figure 7 with the words "New Sheet" at the top of the sheet.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adhesive material defined in claims 12, 24, and 54 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 3611

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The substitute specification filed Oct. 22, 2003 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: it contains new matter. The new matter added is as follows: on page 1, lines 24-25 and page 2, lines 1-4, starting with "This allows for use" and ending with "actually installed" is considered to be new matter. On page 5, lines 10-15, starting with "Generally, information" and ending with "device or fixture" is considered to be new matter.

The disclosure is objected to because of the following informalities: The brief description of the drawings fails to include a description for new figure 6. The specification fails to mention the element identified by numeral "61" in figure 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 44-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 44, line 4, "recording means" is indefinite since it is not clear what structure is included in the "recording means". Further the terms "recording means" suggests that a device actually records information which is inaccurate.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,8,28,35,44, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheresko (U.S. Patent No. 6,412,205).

Cheresko shows in figures 1-3 a marking plate (30) including a prerecorded information template for a user comprised of an organized array (months of the year indicia, days of the year indicia, quarts, ounces, types of gas, amount of gas, ratios, cycle of information, etc.), and wherein specific information (can be selected with apertures) can be selected from the array, and means (16) for securing the plate. The information is considered to be relevant to a plurality of devices, i.e. lawnmowers. In regard to claims 8,28, and 51, Cheresko discloses in column 4, lines 1-9 the idea of printing the indicia on a label. In regard to claim 44, the applicant fails to positively claim any of the electrical and circuitry information. As best understood, the indicia (table or organized array) shown in figure 3 in Cheresko is considered to be the recording means. Further, the applicant defines additional structure (at least one table or organized array of standardized data or information relevant to a particular device) with regard to the recording means so 112 sixth paragraph is not instituted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,29,30,45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454).

Cheresko discloses the applicant's basic inventive concept except for making the marking plate out of stainless steel. Hafner et al. discloses in column 1, lines 26-35 and column 2, lines 1-10, the idea of making marking plates out of metal. Hafner et al. also discloses in column 3, lines 19-21 the idea of making a marking plate from stainless steel. In view of the teachings of Hafner et al. it would have been obvious to one in the art to modify Cheresko by making the marking plate from stainless steel since this would create a more durable and weather resistant plate.

Claims 4,31, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Caveney et al. (U.S. Patent No. 5,402,592).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia with paint. Caveney et al. discloses in column 2, lines 45-47 the idea of

Art Unit: 3611

painting on the indicia. In view of the teachings of Caveney et al. it would have been obvious to one in the art to modify Cheresko by painting on the indicia since this would make the indicia and tag more aesthetically pleasing.

Claims 5,32, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 5 and 30 above and further in view of Graham (U.S. Patent No. 3,782,017).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by engraving. Graham discloses in column 3, lines 45-50 the idea of forming the indicia by engraving. In view of the teachings of Graham it would have been obvious to one in the art to modify Cheresko by engraving the indicia since this would make the indicia and tag more aesthetically pleasing and more durable.

Claims 6,33, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Robertson (U.S. Patent No. 5,855,969).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by laser etching. Robertson discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching. In view of the teachings of Robertson it would have been obvious to one in the art to modify Cheresko by forming the indicia by laser etching since this would make the indicia and tag more aesthetically pleasing.

Art Unit: 3611

Claims 7,34, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Samonides (U.S. Patent No. 5,346,738).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by acid etching. Samonides discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching. In view of the teachings of Samonides it would have been obvious to one in the art to modify Cheresko by forming the indicia by acid etching since this would make the indicia and tag more aesthetically pleasing.

Claims 9/1,9/8,52/44, and 52/51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Berman (U.S. Patent No. 4,907,359).

Cheresko discloses the applicant's basic inventive concept except for making the securing means (16) in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 9/2,9/3,52/45, and 52/46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent

Art Unit: 3611

No. 3,828,454) as applied to claims 2 and 3 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko In view of Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 9/4 and 52/47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Caveney et al. (U.S. Patent No. 5,402,592) as applied to claim 4 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Art Unit: 3611

Claims 9/5 and 52/48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Graham as applied to claim 5 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 9/6 and 52/49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Robertson as applied to claim 6 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Art Unit: 3611

Claims 9/7 and 52/50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Samonides as applied to claim 7 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 10/1, 10/8, 11/1, 11/8, 53/44, and 53/51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko discloses the applicant's basic inventive concept except for making the securing means (16) in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 10/2,10/3,11/2,11/3,53/45, and 53/46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. as applied to claims 2 and 3 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 10/4,11/4,52/47, and 53/47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Caveney et al. as applied to claim 4 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 10/5,11/5,52/48, and 53/48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Graham as applied to claim 5 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Caveney disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 10/6,11/6,52/49, and 53/49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Robertson as applied to claim 6 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 10/7, 11/7, 52/50, and 53/50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Samonides as applied to claim 7 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/1, 12/8, 54/44, and 54/51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko discloses the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 12/2, 12/3, 54/45, and 54/46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. as applied to claims 2 and 3 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/4 and 54/47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Caveney et al. as applied to claim 4 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 12/5 and 54/48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Graham as applied to claim 5 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/6 and 54/49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Robertson as applied to claim 6 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 12/7 and 54/50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Samonides as applied to claim 7 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 13,20,25,26,36, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala (U.S. Patent No. 6,254,967). Cheresko shows in figures 1-3 a marking plate (30) including an information template (see figure 3) comprised of an organized array, recorded information (apertures placed on the label) selected from the array, and means (16) for securing the plate. Cheresko discloses in column 2, lines 7-28, column 3, lines 37-59, and column 4, lines 35-56, that the marking plate (30) can contain any type of information as desired. Cheresko does not disclose placing electrical information on the marking plate. Katwala shows in figures 5 and 9 the idea of placing electrical information onto a marking plate. In view of the teachings of Katwala it would have been obvious to one in the art to modify Cheresko by placing electrical information onto the marking plate since this would allow the marking plate to be used on electrical devices and provide information with regard to the electrical device. In regard to claims 20 and 43, Cheresko

Art Unit: 3611

discloses in column 1, lines 15-20 the idea of printing the indicia on a label. In regard to claims 25 and 26, it is considered within one skilled in the art to place any type of electrical information on the marking plate as desired. The particular indicia placed on the plate is not considered to be a patentable feature.

Claims 14,15,37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 36 above and further in view of Hafner et al. (U.S. Patent No. 3,828,454).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the marking plate out of stainless steel. Hafner et al. discloses in column 1, lines 26-35 and column 2, lines 1-10, the idea of making marking plates out of metal. Hafner et al. also discloses in column 3, lines 19-21 the idea of making a marking plate from stainless steel. In view of the teachings of Hafner et al. it would have been obvious to one in the art to modify Cheresko by making the marking plate from stainless steel since this would create a more durable and weather resistant plate.

Claims 16 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 15 and 38 above and further in view of Caveney et al. (U.S. Patent No. 5,402,592).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia with paint. Caveney et al. discloses in column 2, lines 45-

Art Unit: 3611

47 the idea of painting on the indicia. In view of the teachings of Caveney et al. it would have been obvious to one in the art to modify Cheresko by painting on the indicia since this would make the indicia and tag more aesthetically pleasing.

Claims 17 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 15 and 38 above and further in view of Graham (U.S. Patent No. 3,782,017).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by engraving. Graham discloses in column 3, lines 45-50 the idea of forming the indicia by engraving. In view of the teachings of Graham it would have been obvious to one in the art to modify Cheresko by engraving the indicia since this would make the indicia and tag more aesthetically pleasing and more durable.

Claims 18 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 15 and 38 above and further in view of Robertson (U.S. Patent No. 5,855,969).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by laser etching. Robertson discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching. In view of the teachings of Robertson it would have been obvious to one in the art to modify Cheresko by

Art Unit: 3611

forming the indicia by laser etching since this would make the indicia and tag more aesthetically pleasing.

Claims 19 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Samonides (U.S. Patent No. 5,346,738).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by acid etching. Samonides discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching. In view of the teachings of Samonides it would have been obvious to one in the art to modify Cheresko by forming the indicia by acid etching since this would make the indicia and tag more aesthetically pleasing.

Claims 21/13 and 21/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 20 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the securing means (16) in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 21/14 and 21/15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 14 and 15 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al., and Caveney et al. (U.S. Patent No. 5,402,592) as applied to claim 16 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al., and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala , Hafner et al., and Graham as applied to claim 17 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Robertson as applied to claim 18 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Art Unit: 3611

Claim 21/19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Samonides as applied to claim 19 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 22/13, 22/20, 23/13, and 23/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 20 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the securing means (16) in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 22/14, 22/15, 23/14, and 23/15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. as applied to claims 14 and 15 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/16 and 23/16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Caveney et al. as applied to claim 4 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala and Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 22/17 and 23/17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Graham as applied to claim 17 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala, Hafner et al. and Caveney disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/18 and 23/18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Robertson as applied to claim 18 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala, Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 22/19 and 23/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Samonides as applied to claim 7 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala and Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 24/13 and 24/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 20 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 24/14 and 24/15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. as applied to claims 14 and 15 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claim 24/16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Caveney et al. as applied to claim 16 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala and Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claims 24/17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Graham as applied to claim 17 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala and Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claim 24/18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Robertson as applied to claim 18 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala, Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Art Unit: 3611

Claim 24/19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Samonides as applied to claim 19 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala, Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Response to Arguments

Applicant's arguments filed 1/18/2005 have been fully considered but they are not persuasive.

The applicant argues that the original specification fully supports the added material in the substitute specification. The examiner disagrees since the original specification fails to disclose that the device allows for use in an infinite number of circumstances for all types of electrical fixtures and such information would not be known at that time and only becomes known to the electrician or other individual skilled in the art at the time that the device or fixture is actually installed. The original specification also fails to disclose the specific information defined on page 5, lines 10-15.

The applicant argues that Cheresko fails to disclose an information template that is comprised of at least one table or organized array of standardized data or information relevant to

Art Unit: 3611

a plurality of devices, and that “standardized information relevant to a plurality of devices” carries a special meaning. The examiner disagrees since Cheresko shows in figure 3 a marking plate (30) that includes at least one table or organized array of standardized data or information (months of the year, days of the month, number of quarts and ounces, type of gas, size of tank in ounces, ratio information, etc.) that is relevant to a plurality of devices (i.e. lawnmowers) and can be selected by punching holes into the label (see column 4, lines 12-34). With regard to the phrase, “standardized information relevant to a plurality of devices”, the examiner has interpreted this in light of the specification and given it the broadest reasonable interpretation, information related to several devices. The information on the device of Cheresko is related to a plurality of devices (i.e. lawnmowers) and includes standard information, i.e. “regular gas”, “z-cycle mix”, “100:1”, etc.

The applicant argues that Cheresko fails to disclose a marking plate having an information template that is prerecorded for a user. The examiner disagrees since Cheresko shows in figure 3 a marking plate (30) that includes information (months of the year, days of the month, number of quarts and ounces, type of gas, size of tank in ounces, ratio information, etc.) that is prerecorded to the label.

In regard to the applicant’s argument that the examiner is using impermissible hindsight in combining Cheresko in view of Hafner and Caveney or Graham or Berman or Robertson or Samonides. The examiner disagrees since Hafner provides the advantage of making the marking plate more durable and weather resistant. Caveney, Graham, Berman, Robertson, and Samonides provide the advantage of making the indicia and tag more aesthetically pleasing.

Art Unit: 3611

In regard to the applicant's argument that the examiner is using impermissible hindsight in adding Frieden and Hansen. The examiner disagrees since Frieden provides the advantage of allowing the plate to be attached to a wider range of surfaces in an easier and faster manner. The examiner disagrees since Hansen provides the advantage of allowing the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

The applicant argues that there is nothing in Katwala that suggests a table or array of standardized information relevant to a plurality of electric fixtures as defined in claims 13,20,25,26,36, and 43. Cheresko already discloses (see the discussion above and the 102(b) rejection in view of Cheresko above) the idea of providing a marking plate (13) that includes a table or array of standardized information. Cheresko further discloses the idea of placing any type of information on the label as desired, see column 4, lines 45-48. Katwala is merely being used to show that it is known in the art to place electrical information on a marking plate. This would allow the marking plate of Cheresko to be used on electrical devices.

The applicant mentions that means plus function claims have been added to more clearly distinguish the present invention from the prior art. It is not clear what structure makes up the means portion of the means-plus-function claims and it is not clear how the recording means is "for selecting prerecorded information" since it appears that the recording means is simply indicia. Further, the applicant defines additional structure (at least one table or organized array of standardized data or information relevant to a particular device) with regard to the recording means so 112 sixth paragraph is not instituted.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
April 14, 2005